IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15173 of 2004

Between:

Ambati Sreenivasulu, S/o. Venkaiah,

Aged about 40 years,
R/o. Chowtaputhadu, Dagadarthi Mandal,
Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Civil Supplies Wing,
Nellore District, Nellore - 524 001.
2 Civil Supplies Dy Thasildar, Buchi,
Nellore District, Nellore - 524 001.
3 The Revenue Divisional Officer, Kavali
Nellore District, Nellore - 524 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ Order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in initiating the proceedings bearing RC J 2417/2004 Dt. 27-7-2004 against the petitioner under Section 6-A of EC Act as arbitrary, illegal and capricious and violative of fundamental right of the petitioner guaranteed under the Constitution of India and consequently direct the respondents herein to drop all further proceedings against the Petitioner herein.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is an authorized dealer in respect of a fair price shop at Chowteputhedu village, Dagadarti Mandal, Nellore District. It is the case of the petitioner that the 3rd respondent-Revenue Divisional Officer, Kavali, Nellore District, by proceedings dated 27-07-2004, suspended his authorization pending enquiry into the alleged irregularities in distribution of the commodities. It appears that the petitioner was also served with a show cause notice on the same day, calling upon him to explain the alleged irregularities. Aggrieved by the order of suspension, dated 27-07-2004, the petitioner preferred an appeal before the 1st respondent-Joint Collector, Nellore District, along with an application seeking stay of the order of suspension. The grievance of the petitioner is that the 1st respondent has not considered the appeal so far and even on the application for stay, no orders have been passed. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

Though the learned counsel for the petitioner raised various grounds assailing the correctness of the order of suspension, having regard to the fact that the statutory appeal is pending before the 1st respondent, I am not inclined to express any opinion on the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the application for stay filed by the petitioner in his appeal against the order of the 3rd respondent, dated 27-07-2004, and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of this order.

Accordingly, the writ petition is disposed of. No costs.

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25-08-2004

Note: Issue C.C in one week.

B/o.

vs

To

1. The Joint Collector, Civil Supplies Wing, Nellore District-524001.

2. The Civil Supplies Dy. Thasildar, Buchi, Nellore District.

3. The Revenue Divisional Officer, Kavali, Nellore District.

4. Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

5. Two CD copies.

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 25-08-2004